

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROSLYN YORK and JANIE LOPEZ,
Plaintiffs,

vs.

TEXAS HEALTH SCHOOL, L.P.
d/b/a TEXAS HEALTH SCHOOL
Defendant.

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CIVIL ACTION NO. _____
Jury Demanded

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COMES, Roslyn York and Janie Lopez, individually, and files this Plaintiffs' Original Complaint.

A. SUMMARY

1. There is a proceeding against Defendant for violating the overtime pay provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. §201 et. seq. (or "FLSA"). Defendant employed the Plaintiffs. Defendant failed to pay Plaintiffs overtime as required by the Fair Labor Standards Act ("FLSA").

The Plaintiffs regularly worked in excess of 40 hours per work week. The failure to pay the Plaintiffs at one-and-one half times their hourly rate for hours over forty in a workweek is a plain, simple violation of the FLSA.

For these reasons, Plaintiffs seek unpaid wages, liquidated damages, attorney fees, and all other relief permitted.

B. PARTIES

2. Plaintiff Roslyn York is an individual and a resident of the state of Texas. Plaintiff Roslyn York brings this action on behalf of herself. Plaintiff Roslyn York worked as an Admissions Representative for Texas Health School, located at 11211 Katy Freeway, Houston, Texas 77079. Plaintiff Roslyn York was a former employee of Defendant who was paid by the hour and within the last three years worked more than forty hours in a workweek but was not paid overtime wages.

3. Plaintiff Janie Lopez is an individual and a resident of the state of Texas. Plaintiff Janie Lopez brings this action on behalf of herself. Plaintiff Janie Lopez worked as a Financial Aid Representative for Texas Health School, located at 11211 Katy Freeway, Houston, Texas 77079. Plaintiff Janie Lopez was a former employee of Defendant who was paid by the hour and within the last three years worked more than forty hours in a workweek but was not paid overtime wages.

4. Defendant, Texas Health School, L.P. d/b/a Texas Health School is a Texas limited partnership, conducting business in Texas. Defendant constitutes an “employer” within the meaning of 29 U.S.C. §203(d). Defendant may be served with summons by serving its registered agent: Scholastic Learning Center, Inc., David B. Hawk, President 11211 Freeway, Houston, Texas 77079.

C. JURISDICTION

5. The court has federal question jurisdiction, 28 U.S.C. §1331, over Plaintiff’s claims of unpaid overtime, because these actions arise under federal law, via the Fair Labor Standards Act of 1938, 29 U.S.C. §201 *et seq.* Venue is proper because a substantial part of the events or omissions giving rise to the claim occurred in her District, and Defendants are subject to personal jurisdiction in Texas.

D. FACTS

6. Plaintiff Roslyn York is a former employee of Defendant. Plaintiff was hired by Defendant as an Admission Representative to assist with the enrollment of the students. During her employment, Plaintiff Roslyn York regularly worked 40 – 48 hours of overtime each week. At all time relevant, Plaintiff Roslyn York was a non-exempt employee pursuant to the FLSA. At all times, relevant to her lawsuit, the Plaintiff Roslyn York's responsibilities included communicating with students, reviewing student files, ensuring student enrollment, conducting open houses, and assist with marketing. At Defendant's direction, and for the benefit of Defendant, Plaintiff regularly worked in excess of 40 hours per work week. Defendant did not compensate Plaintiff, Roslyn York for all the overtime and regular time wages she was owed.

7. Plaintiff Janie Lopez is a former employee of Defendant. Plaintiff was hired by Defendant as an Financial Aid Representative to assist with the enrollment of the students. During her employment, Plaintiff Roslyn York regularly worked 40 – 48 hours of overtime each week. At all time relevant, Plaintiff Janie Lopez was a non-exempt employee pursuant to the FLSA. At all times, relevant to her lawsuit, the Plaintiff Janie Lopez's responsibilities included assisting students with financial aid applications, reviewing student files, educating students on financial aid, conducting open houses, and assist with marketing. At Defendant's direction, and for the benefit of Defendant, Plaintiff regularly worked in excess of 40 hours per work week. Defendant did not compensate Plaintiff, Janie Lopez for all the overtime and regular time wages she was owed.

E. COUNT 1: VIOLATION OF FLSA: UNPAID OVERTIME

8. As illustrated above, Defendant maintained a practice of requiring Plaintiffs, nonexempt employees, to work more than 40 hours per workweek. For failing to pay Plaintiffs

for corresponding earned overtime, Defendant violated the provision of the federal Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* As a result of the unlawful practices, Plaintiffs suffered a loss of wages.

9. All conditions precedent to the filing of this suit has been satisfied.

G. JURY TRIAL DEMANDED

10. Plaintiffs assert their rights under the Seventh Amendment to the U.S. Constitution and demand, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

H. PRAYER FOR RELIEF

11. For the above reasons, Plaintiffs seek judgment against Defendant for the following:

- a. Judgment against Defendants for an amount equal to Plaintiffs' unpaid back wages at the applicable overtime rate for each hour worked over forty, 29 U.S.C. §216(b);
- b. An equal amount to the wage damages as liquidated damages, 29 U.S.C. §216(b) and/or prejudgment interest;
- c. Application of the three-year statute of limitations for willful FLSA violations, 29 U.S.C. §255(a);
- d. Attorney's fees and costs of suit pursuant to 29 U.S.C. §216(b); and
- e. All other relief the court deems necessary and appropriate.

Respectfully submitted,

By: /s/Shelly M. Davis-Smith

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